

Settlement/Hearing: August 1st, 2013
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 13-10704 SHL

ADRIAN D. SOLOMON,

NOTICE OF SETTLEMENT

Debtor(s)

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FAILURE TO RESPOND MAY LEAD TO A DISMISSAL OF YOUR CASE

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Sean H. Lane, United States Bankruptcy Judge, on the 1st day of August, 2013 at 10:00 A.M. at the United States Bankruptcy Court, U.S. Customs House, One Bowling Green, New York, New York 10004.

Hearings on Objections, if any, to be conducted same date and time in Courtroom 610. Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

OBJECTIONS TO PROPOSED ORDER:

All objections to a proposed order **MUST HAVE** the settlement date of the original notice typed or written on the first page in the upper right-hand corner of the document.

COUNTER-PROPOSED ORDERS:

All counter-proposed orders should be clearly denominated as such, with the return date of the original proposed order in the upper right-hand corner of the first page. A

copy of the transcript, if a hearing was held, must be submitted with the counter-proposed order.

Dated: White Plains, New York
June 6th, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Adrian D. Solomon
53 East 117th Street
New York, New York 10035

Christopher B. Grahan, Esq.
250 West 57th Street # 901
New York, New York 10107

JP Morgan Chase Bank, NA
209 N. Central Avenue 11th Floor
Phoenix, Arizona 85004

Bank of America, NA
Bankruptcy Department
P.O. Box 26012
Mailstop NC4-105-02-99
Greensboro, North Carolina 27420

AYAZ AWAN
c/o Stephen P. Dewey, Esq.
P.O. Box 2511
Briarcliff Manor, New York 10510

Christiana Trust, Div. Wilmington Savings Fund Society, FSB
c/o Knuckles, Komosinski & Elliott, LLP
565 Taxter Road # 590
Elmsford, New York 10523

JP Morgan Chase Bank, NA
c/o Shapiro DiCaro & Barak, LLC
105 Maxess Road # N-109
Melville, New York 11747

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 13-10704 SHL

ADRIAN D. SOLOMON,

Debtor

----- -x

ORDER DISMISSING CHAPTER 13 CASE

The Court finds that cause exists to dismiss this case under 11 U.S.C. §1307(c)(1) in that the debtor has caused unreasonable delay that is prejudicial to creditors.

The Court further finds that the debtor has failed to comply with 11 U.S.C. §521(i) by failing to timely file certain of the documents as required under 11 U.S.C. §521(a)(1);

The Court further finds that the debtor failed to comply with 11 U.S.C. §521(e)(2)(A)(i) in that the debtor failed to provide the trustee with copies of federal tax returns for certain of the most recent tax year preceding the commencement of the case, within seven (7) days prior to the meeting of creditors scheduled pursuant to 11 U.S.C. §341(a).

The Court further finds that cause exists to dismiss this case under 11 U.S.C. §109(e) on the ground that the debtor's filed secured claims exceeds the \$1,081,500.00 limitation.

IT IS HEREBY ORDERED THAT:

Pursuant to 11 U.S.C. §§1307(c)(1), 521(i) and 521(e)(2)(B), and 109(e) this Chapter 13 case is hereby dismissed.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

Chapter 13
Case No. 13-10704 SHL

ADRIAN D. SOLOMON,

TRUSTEE'S AFFIDAVIT

Debtor(s)

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on March 11th, 2013/
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file, in part, the "means" test.
5. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors* ,copies of federal tax returns for certain of the most recent years preceding the commencement of the case, to with 2010 and 2012.
6. The debtor failed to appear and be examined at the initial §341(a) meeting of creditors and the adjourned meeting thereof.
7. The debtor fails to qualify under Chapter 13 on the ground that the debtor's secured claims as filed in the sum of \$4,335,202.84 far exceeds the \$1,081,500.00 limitation
9. The debtor's case demonstrated infeasibility, an inability to confirm .and

failure to qualify under the parameters of Chapter 13..

WHEREFORE, the trustee respectfully requests that the annexed order dismissing
this case be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
6th day of June, 2013
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 13-10704 SHL

ADRIAN D. SOLOMON,

Debtor(s)

----- -x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On June 6th, 2013, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Adrian D. Solomon
53 East 117th Street
New York, New York 10035

Christopher B. Grahan, Esq.
250 West 57th Street # 901
New York, New York 10107

JP Morgan Chase Bank, NA
209 N. Central Avenue 11th Floor
Phoenix, Arizona 85004

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Bankruptcy Department
P.O. Box 26012
Mailstop NC4-105-02-99
Greensboro, North Carolina 27420

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c/o Stephen P. Dewey, Esq.
P.O. Box 2511
Briarcliff Manor, New York 10510

Christiana Trust, Div. Wilmington Savings Fund Society, FSB
c/o Knuckles, Komosinski & Elliott, LLP
565 Taxter Road # 590
Elmsford, New York 10523

JP Morgan Chase Bank, NA
c/o Shapiro DiCaro & Barak, LLC
105 Maxess Road # N-109
Melville, New York 11747

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
6th day of June, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/14